AHPA
AMERICAN HERBAL PRODUCTS ASSOCIATION

December 20, 2013

Joseph Theile
Management Analyst
State of Nevada
Department of Health and Human Services
Division of Public and Behavioral Health
Medical Marijuana Program
via email: jtheile@health.nv.gov

Re: Comments to Nevada's Proposed Medical Marijuana Regulations

---

Dear Mr. Theile,

Here follow comments of the Cannabis Committee of the American Herbal Products Association (AHPA) in the matter of the State of Nevada's proposed amendments to Nevada Administrative Code Chapter 453A that will provide provisions for the establishment, licensing, operation and regulation of medical marijuana establishments in the state.

The Cannabis Committee was chartered by AHPA to address issues related to the safe use and responsible commerce of legally-marketed products derived from *Cannabis* species. The committee and its members therefore have an interest in these proposed regulations.

The committee's specific comments are as follows:

- Section 58 – If this section is intended to address all transportation of marijuana or marijuana infused products, including transportation between medical marijuana establishments such as between a producer of a marijuana infused product and a dispensary, and not only to delivery to individual patients or caregivers, the 10 ounce limit may be prohibitively small.
- Section 77, paragraph 4 – The dates of final testing of the product and packaging of the product are likely to be different in many cases, so these should be separate pieces of information.
- Section 77 – The format of this section should be the same as section 78, with 1) being the list of requirements and 2) being the sample mock up.
- Section 79, paragraph 1(j) – The requirement to identify allergens should be limited to "major food allergens," and a definition for this term should be

provided that is consistent with the definition established in implementing the Federal Food Allergen Labeling and Consumer Protection Act of 2004.

- Section 87, paragraph 1(b) – It seems strange to include mention of animal products like beef, lamb, pork, etc. as these ingredients are unlikely to be used in medical marijuana facilities.
- Section 88, paragraph 3 – Same comment as above about animal products.
- Section 95, paragraph 1(a) – Same comment as above about animal products.
- Section 101 – There are several issues that should be addressed in this section:
    - Paragraph 4 identifies several "methods without employing solvents or gases" that may be used, and includes "ice water" as one such method. But water is a solvent ("the universal solvent"). The AHPA Cannabis Committee does not oppose the use of ice water methods, but recommends that the words "ice water" (and the associated words "bubble hash") and "steam distillation" be removed from this paragraph and that "water (including ice water and steam)" be added to the list of solvents in Paragraph 5 of Section 101.
    - Paragraph 4 also identifies specific articles (i.e., "kief, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources") produced by the methods described therein. The AHPA Cannabis Committee recommends that these specific terms be removed from this Paragraph, and be replaced with the more generic language in NRS 453A.101 (i.e., "foodstuffs, extracts, oils, tinctures and other similar products").
    - Paragraph 7 sets a maximum level of 500 parts per million (ppm) "of residual solvent or gas" in finished extracts. But there cannot be a one-size-fits-all limit for all residual solvents. For example, no limit is required if the solvent is water or glycerin, and a limit is unlikely to be required for ethanol. On the other hand, a limit of 500 ppm could be higher than U.S. and international standards for some hydrocarbon solvents. As an example, while EU regulations allow butane as an extraction solvent in the production of foodstuffs and food ingredients, this regulation limits residues to "technically unavoidable quantities presenting no danger to human health." [NOTE: This EU regulation also sets a limit of 1 ppm for 1-butanol and 2-butanol; the AHPA

Cannabis Committee does not at this time have information about the absence or presence of 1- or 2-butanol in products made with butane, so does not know if this specific quantitative limit has relevance.]

  - Also in Paragraph 7, the AHPA Cannabis Committee is uncertain what is meant by the words at the beginning of the paragraph, "Parts per million for one gram of finished extract…," and recommends that the sentence be rewritten to simply begin, "Finished extracts…."

- Section 121, paragraph 8 – It would be helpful to specify what body weight (KG BW) assumption should be used for the calculating acceptance.
- Section 125 – The limitation to not more than 7 members effectively caps the number of labs that can operate in the state for this testing. The AHPA Cannabis Committee inquires as to whether that will provide sufficient capacity for the state.

The AHPA Cannabis Committee greatly appreciates the opportunity to comment on this important proposed regulation. Please do not hesitate to contact me if any of the issues raised here need further clarification.

Sincerely,

Michael McGuffin
President, American Herbal Products Association
mmcguffin@ahpa.org